

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

FELIX POLONIA MORILLO

Defendant

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) CASE NO. 05-00242-JLA
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**ASSENTED-TO MOTION TO REMAND PEDRO POLONIA MORILLO
TO CUSTODY OF UNITED STATES MARSHALS**

The United States, with the assent of Pedro Polonia Morillo, hereby moves the Court to remand Pedro Polonia Morillo to the custody of the U.S. Marshals Service in order that he may be transported to the District of Puerto Rico where he is awaiting sentencing on federal charges.

As grounds, the government states as follows:

1. On June 29, 2005, the defendant, Felix Polonia Morillo was arrested in the District of Puerto Rico pursuant to a warrant issued by this Court in the above-captioned proceeding.
2. At the time of Felix Polonia Morillo's arrest, his brother, Pedro Polonia Morillo, was also in federal custody in the District of Puerto Rico. Based on information provided to the undersigned by the Assistant U.S. Attorney responsible for the prosecution of Pedro Polonia Morillo in the District of Puerto Rico, Pedro Polonia Morillo has been convicted of a federal offense and is currently awaiting sentencing in U.S. v. Pedro Polonia Morillo, Criminal No.05-89-HL. While awaiting sentencing, Pedro Polonia Morillo has been remanded to the custody of the U.S. Marshals Service by the Federal District Court for the District of Puerto Rico.
3. By inadvertence, the U.S. Marshals Service has transported Pedro Polonia Morillo, rather than Felix Polonia Morillo, from the District of Puerto Rico to the District of Massachusetts in connection with the above-captioned proceeding. The Marshals Service has confirmed that the person transported to Massachusetts is Pedro Polonia Morillo by submitting the fingerprints of the person so transported to the Automated Fingerprint Identification System ("AFIS"). According to records maintained by AFIS, the fingerprints belong to Pedro

Polonia Morillo.¹

4. The undersigned has conferred with Benjamin Entine, counsel for Pedro Polonia Morillo with regard to this motion. Mr. Entine stated that Pedro Polonia Morillo assents to this motion.

Wherefore, the United States moves to Court to remand Pedro Polonia Morillo to the custody of the U.S. Marshals Service so that he may be transported to Puerto Rico.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ John A. Capin

By: _____
JOHN A. CAPIN
Assistant U.S. Attorney

¹The Marshals Service has informed the undersigned that the defendant in this action, Felix Polonia Morillo is in the custody of the Marshals Service in Puerto Rico and will be transported to the District of Massachusetts forthwith.